

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
100 STATE STREET, ROOM 2500
ROCHESTER, NEW YORK 14614-1324

CHAMBERS OF
DAVID G. LARIMER
DISTRICT JUDGE

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May 28, 2008

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RE: UNITED STATES v. MAURICE CAMPBELL - 06-CR-6025L

Dear Counsel:

As you are no doubt aware, the Second Circuit remanded this case on May 15, 2008 for a *Crosby*-type determination as described in *United States v. Regalado*, 208 WL 2001967 (2d Cir. May 9, 2008). I do not believe the Mandate has issued yet, but we still can proceed and get started. By copy of this letter, I request the Probation Department to review the prior presentence report and determine what the Guideline range would be if the drug involved was powder cocaine rather than crack cocaine. I also ask Probation to do a calculation relating to cocaine base, using the November 1, 2007 Sentencing Guidelines. I would ask Probation to submit this to the Court and counsel within twenty (20) days from the date of this letter.

Thereafter, I request defense counsel to submit whatever sentencing memorandum seems appropriate to assist the Court in its *Crosby*-type analysis. The Government will have fifteen (15) days from receipt of the defendant's submission to reply. If the Court needs oral argument, the parties will be so advised. There is, of course, no need to produce the defendant for this proceeding.

IT IS SO ORDERED.

Very truly yours,



David G. Larimer
United States District Judge

DGL/ea
pc: Ivette Hernandez, United States Probation Officer